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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,721	11/25/2003	Martin Kappes	503042-A-01-US (Kappes)	5762
47702	7590	11/19/2007	EXAMINER	
RYAN, MASON & LEWIS, LLP			BIAGINI, CHRISTOPHER D	
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SUITE 205				
FAIRFIELD, CT 06824				
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			11/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/721,721

Applicant(s)

KAPPES ET AL.

Examiner

Christopher D. Biagini

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/15/2004</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group 1, claims 1-13, in the reply filed on September 14, 2007 is acknowledged. The traversal is on the ground(s) that examination of both groups would not impose a serious burden on the Examiner. This is not found persuasive because the inventions require a different field of search.

The requirement is still deemed proper and is therefore made FINAL.

Claims 14-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 14, 2007.

### ***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the full name of each inventor (family name and at least one given name together with any initial) has not been set forth. Specifically, there is no given name for the inventor P. Krishnan.

***Information Disclosure Statement***

The information disclosure statement filed March 15, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no date of publication is listed for references 4 and 5. The information disclosure statement has been placed in the application file, but references 4 and 5 have not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1-8, the claimed method merely manipulates abstract ideas and fails to accomplish a practical operation; that is, it fails to produce a useful, concrete, and tangible result.

Regarding claims 9-13, although the invention is claimed in connection with the programming of a general-purpose computer, it lacks the functionality necessary to satisfy the practical application requirement. In other words, it fails to produce a useful, concrete, and tangible result. See MPEP § 2106.01.

The Examiner recommends amending the claims so that the invention accomplishes a practical operation, such as permitting the device to connect to the first network based on the satisfaction of some condition.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al. (US Patent No. 5,655,077, hereinafter "Jones").

Regarding claim 1, it is noted that the preamble has been given patentable weight, as it is relied upon by the body of the claim (*see "said device" on line 2*).

Jones shows a method for authenticating a device connecting to a first network (*comprising a network associated with a secondary "logon provider": see Fig. 5 and col. 2, lines 36-41*), comprising:

- determining if said device connected to at least one other network (*the other network comprising the network associated with the primary login provider: see step 705 in Fig. 7 and col. 8, lines 34-39*); and
- evaluating a content (*comprising a username and password*) of said device based on whether said device connected to at least one other network (*note that the username and password used for the secondary logon provider depends on whether the connection to the other network was successful: see steps 706 and 714 in Fig. 7; col. 8, lines 39-47; and col. 9, lines 20-22*).

Regarding claim 9, the claim is similar in scope to claim 1 and is rejected for the same reasons as given above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Jemes et al. (US PG-Pub No. 2001/0042213, hereinafter "Jemes").

Regarding claim 2, Jones shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of determining if said device connected to at least one untrusted network.

Jemes shows determining if a device (comprising a device in a "known bubble") connected to at least one untrusted network (comprising connecting to a device in an "unknown bubble", whose integrity cannot be verified). See paragraphs [0033] and [0040].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Jones with the network determination of Jemes in order to enforce security policies when connecting to untrusted networks.

Regarding claim 3, Jones shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of determining if said device connected to at least one unknown network.

Jemes shows determining if a device (comprising a device in a "known bubble") connected to at least one unknown network (comprising connecting to a device in an "unknown bubble"). See paragraph [0040].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Jones with the network determination of Jemes in order to enforce security policies when connecting to unknown networks.

Regarding claim 6, Jones shows the limitations of claim 1 as applied above, but does not show wherein a scope of said evaluating step is based on properties of said at least one other network.

Jemes shows wherein a scope of an evaluating step for a first network is based on properties (the properties comprising security policies) of at least one other network (comprising evaluating security policies for bubbles 20a and 30a).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Jones with the evaluation system of Jemes in order to ensure that policies at network control points are consistent and error free (see Jemes, [0015]).

Regarding claim 12, the claim is similar in scope to claim 6 and is rejected for the same reasons as given above.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Noguchi et al. (US PG-Pub No. 2003/0005333, hereinafter "Noguchi").

Regarding claim 4, Jones shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of determining if a token on said device has been altered.

Noguchi shows authentication by use of a token and determining if a token on a device has been altered (see [0019]-[0020]).

It would have been obvious to one of ordinary skill to modify the system of Jones with the token authorization and alteration detection taught by Noguchi in order to ensure that a malicious client could not gain escalated privileges by altering the authorization token.

Regarding claim 10, the claim is similar in scope to claim 4 and is rejected for the same reasons as given above.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Manchin (US PG-Pub No. 2004/0049567).

Regarding claim 5, Jones shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of logging an address of each network that said device accessed.

Manchin shows logging the address of networks that a device accesses (see [0123]).

It would have been obvious to one of ordinary skill in the art to modify the system of Jones to log network addresses as taught by Manchin in order to provide a record of the device's activities for later review by administrative personnel.

Regarding claim 11, Jones shows the limitations of claim 9 as applied above, but does not show evaluating a log of addresses of each network that said device accessed.

Manchin shows evaluating a log of addresses of each network that a device accessed (see [0136]).

It would have been obvious to one of ordinary skill in the art to modify the system of Jones to evaluate logs of network addresses as taught by Manchin in order to provide an alert when the network address of the device changes (see [0136]-[0137]).

Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Daenen et al. (US PG-Pub No. 2003/0140151, hereinafter "Daenen").

Regarding claim 7, Jones shows the limitations of claim 1 as applied above, but does not show wherein a scope of said evaluating step is based on one or more defined content authentication rules.

Daenen shows wherein the scope of an evaluating step is based on one or more defined content authentication rules (the scope comprising how many and which servers are involved in authentication: see [0041]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Jones with the content authentication rules of Daenen in order to easily define and enforce network policies (see [0033]).

Regarding claim 13, the claim is similar in scope to claim 7 and is rejected for the same reasons as given above.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Patent No. 5,655,077) in view of Hoene et al. (US PG-Pub No. 2002/0199116, hereinafter "Hoene").

Jones shows the limitations of claim 1 as applied above, but does not show wherein said evaluating step further comprises the step of performing a virus scan.

Hoene shows wherein an evaluating step comprises performing a virus scan (see [0029]-[0030]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Jones with the virus scan of Hoene in order to prevent devices which may be infected from gaining access to the network.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. "Content Authentication in Enterprises for Mobile Devices", which appears to have been published by Applicant, discusses subject matter similar to that of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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